

Excerpts from the Rough Trial Transcript
Dated September 26, 2018

Exhibit K

1 Q. And so sometimes you can maybe use a different number in
2 that regard?

3 A. Yes.

4 Q. But in any event, 44, 45, it's not a significant
5 difference?

6 A. Correct.

7 Q. So I want to talk about some things that y'all agree upon
8 just so we are perfectly clear on. I want to keep this simple.
9 We know the bridge is a 75 miles per hour zone, right?

10 A. Yes.

11 Q. And we agree about the weather that night, dry and clear?

12 A. Yes.

13 Q. And the bridge, it has a hill incline at the beginning,
14 straightens out and has a hill incline at the end, right, and
15 this is on that middle portion. So we had, and if we look at
16 exit 68 versus this happening at mile marker 66, right about
17 there, we had about two miles until the next exit?

18 A. That is correct.

19 Q. So you and defendant's expert agree that there wases no
20 way for Mr. Williams to make it to the next exit, given the
21 condition of his vehicle?

22 A. Right. Assuming it didn't resolve or whatever the problem
23 was, that is correct.

24 Q. But in the current condition, he certainly couldn't make
25 it up that hill to the next exit?

1 A. Right.

2 Q. Okay. So y'all both agree that the lights were on, at
3 least the taillights, correct?

4 A. Yes.

5 Q. So there was some dispute about whether or not both
6 headlights were on because those weren't checked?

7 A. Correct.

8 Q. If I understand, it is because if you are doing the test
9 and you turn those lights on in the car, you can actually
10 destroy the evidence?

11 A. That is correct.

12 Q. So y'all didn't touch or inspect the headlights?

13 A. That is correct.

14 Q. But at least one of them was on, right? You couldn't see
15 without at least one headlight on because it's dark?

16 A. That's correct.

17 Q. So we do agree on that. In your deposition, you were
18 asked about a deceleration calculation. Did you since that
19 time perform any deceleration calculations for the Buick?

20 A. No.

21 Q. So as we sit here, we don't know how long, at least from
22 you, how long that Buick had been decelerating before the
23 collision?

24 A. Well, Mr. Burgess had done them, and I checked his math,
25 and it was good.

1 Q. So you agree with his numbers on the deceleration?

2 A. Well, based on the starting speeds and whatnot.

3 Q. Okay.

4 A. Using the same starting speeds, I would get the same
5 numbers.

6 Q. I will tell you I don't have those written down so I will
7 address them with him. You've been to this bridge several
8 times and you see that there's a shoulder on this bridge,
9 right? You've seen that shoulder. And even your video shows a
10 very large truck with a trailer on the side of the road?

11 A. Yes, just for the record, that was westbound during one of
12 our flip flops -- no, wait a minute. The day one?

13 Q. Yes, sir?

14 A. I'm sorry. I've got a nighttime video with something on
15 the westbound side. You are correct.

16 Q. Okay. And I want to talk a little bit about the speed, so
17 what you did is once you got that crush energy and you
18 converted it to a closing speed, you basically plug in a number
19 of one of the vehicles to get to the other vehicle speed?

20 A. Right. You have to know one of the vehicle speeds.

21 Q. So, for example, if you've got the Freightliner, as Mr.
22 Perez said he was going at 65, 65 minus 44 would be 21 miles
23 per hour for the Buick?

24 A. That's right.

25 Q. At the time of the collision?

1 A. Yes.

2 Q. But we can flip that number all different ways. We
3 can put the Buick -- we can put the Freightliner at 70, which
4 would put the Buick at 26, and any version in between?

5 A. Correct, and the truck is governed at 75.

6 Q. At 75, the Buick couldn't have been going more than
7 31 miles per hour?

8 A. That is correct.

9 Q. Okay. And that's without pre-impact braking?

10 A. Correct.

11 Q. Now, let's talk real quick about the brakes. Do you
12 recall Mr. Perez testifying that he hit a regular brake and
13 then an emergency brake?

14 A. Yes. I don't know why he did that.

15 Q. But in any event, you don't know one way or another if the
16 first brake he hit left any skid marks, do you?

17 A. Say that again, please.

18 Q. You don't know one way or another if the first brake he
19 hit would have left skid marks?

20 A. Well, no skid mark starts before the fluid spill. Now, if
21 those came from the drive wheels on the tractor, then it would
22 be a little bit right after impact, but then we don't know. If
23 they came from the trailer tires, then it is 50 feet after.

24 Q. Would ABS brakes usually make skid marks?

25 A. Not usually, but if I remember correctly, this thing had a

1 A. Yes, ma'am.

2 Q. And at the end of that bridge, there's a little hill when
3 you get up and go off of it. Am I correct on that?

4 A. Yes.

5 Q. So you were aware that you were going to encounter or come
6 up on that before the end of the bridge; is that correct?

7 A. Yes.

8 Q. Could you have pulled your car to the shoulder of the road
9 and coasted and continued to drive to move yourself out of any
10 lane of travel? Let me restate that?

11 A. I was going to ask you --

12 Q. I could tell I didn't ask that real well. I will ask that
13 again. I think you've already testified when your car was
14 slowing down, you got to the right lane?

15 A. Um-hm.

16 Q. As the car continued to slow, did you have the option to
17 move it to the shoulder? Was the shoulder clear and you could
18 have just ridden slowly on the shoulder?

19 A. Yes.

20 Q. I'm going to show you a picture. This is defendant's --
21 give me just a second. This is defendant's exhibit two. This
22 is a picture that the state trooper testified earlier that he
23 took. Do you recognize that as your car in the picture?

24 A. Yes.

25 Q. Does this look about where maybe your car came to a final